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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PARENT DOE, individually, and as the
father of JOHN DOE, his minor son, and
JOHN DOE, individually,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT;
FOOTHILL HIGH SCHOOL; CLARK
COUNTY SCHOOL DISTRICT POLICE;
ERIN WING; JEANNE DONADIO;
JOHN DOES I-X, inclusive; and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No.

COMPLAINT

-and-

JURY DEMAND

Plaintiffs, PARENT DOE, individually, and as the father of JOHN DOE, his minor son,
and JOHN DOE, individually, hereby complain against the Defendants as follows:

1. Federal jurisdiction exists in this case based on 28 USC §1331. Venue is based on
28 USC §1391.

2. PARENT DOE is the parent of his minor son, JOHN DOE, both residents of Clark
County, Nevada. PARENT DOE brings this action pursuant to N.R.S. 12.080. JOHN DOE was a
student at Foothill High School in the Clark County School District in Clark County, Nevada, and
is a tender and vulnerable person as defined in N.R.S. 41.1395.

3. PARENT DOE and JOHN DOE bring this action anonymously with pseudonyms
because special circumstances exist. The need for anonymity outweighs prejudice to the opposing

1 parties and the public's interest in knowing the parties' identities. A nondisclosure of the
2 Plaintiffs' identities is necessary to protect them from harassment, injury, ridicule or personal
3 embarrassment. The facts supporting the need for anonymity and the use of pseudonyms are
4 obvious and stated below.

5 4. Defendant, FOOTHILL HIGH SCHOOL, is a high school in the CLARK
6 COUNTY SCHOOL DISTRICT located Clark County, Nevada, and was attended by JOHN DOE
7 in the ninth grade and part of the tenth grade, during the freshman and sophomore year.
8 FOOTHILL HIGH SCHOOL receives federal financial assistance.

9 5. Defendant, CLARK COUNTY SCHOOL DISTRICT, is the school district that
10 encompasses all public schools in Clark County, Nevada, including FOOTHILL HIGH SCHOOL.
11 The CLARK COUNTY SCHOOL DISTRICT receives federal financial assistance.

12 6. Defendant, CLARK COUNTY SCHOOL DISTRICT POLICE, is the police
13 department for the Clark County, Nevada School District.

14 7. Defendant, ERIN WING, is a teacher at FOOTHILL HIGH SCHOOL and resident
15 of Clark County, Nevada.

16 8. Defendant, JEANNE DONADIO, is the principal of FOOTHILL HIGH SCHOOL
17 and a resident of Clark County, Nevada.

18 9. The true names and capacities of Defendants, JOHN DOES I-X and ROE
19 CORPORATIONS I-X, are unknown to Plaintiffs, therefore, Plaintiffs sue those Defendants by
20 such fictitious names. Plaintiffs allege on information and belief that each of the Defendants
21 designated as a DOE is a partner, officer, director, employer, or employee, or is in some manner
22 associated with one or more of the Defendants, and is responsible in some manner for the events
23 referred to herein. Plaintiffs allege on information and belief that each of the ROE
24 CORPORATIONS is the parent corporation, sibling corporation, subsidiary corporation, partner,
25 shareholder, or alter ego of, or in some manner associated with one or more of the Defendants and
26 is responsible in some manner for the events referred to in this Complaint. Plaintiffs will ask
27 leave of this Court to amend their Complaint to insert the true names and capacities of these
28 Defendants and to join such Defendants in this action when such names have been ascertained by

1 Plaintiffs.

2 FACTS COMMON TO ALL CLAIMS

3 10. Paragraphs 1 through 9 above are incorporated herein by reference.

4 11. PARENT DOE is the parent of JOHN DOE, a minor (date of birth: October 8,
5 1997).

6 12. JOHN DOE is an exceptional student, but suffers from emotional disorders
7 including, but not limited to, severe anxiety panic attacks and resulting depression, and was under
8 psychiatric care and medication for his disability.

9 13. JOHN DOE attended FOOTHILL HIGH SCHOOL as a ninth grade freshman,
10 2012-2013, and as a sophomore, for part of 2013-2014.

11 14. Based on his qualifying disability, JOHN DOE applied for and was granted, by the
12 CLARK COUNTY SCHOOL DISTRICT, a Section 504 evaluation summary and accommodation
13 plan to begin November 30, 2012.

14 15. According to the 504 accommodation plan, JOHN DOE “will be given extra time
15 to make up homework, tests and quizzes when needed;” “[c]lass notes will be provided for [JOHN
16 DOE] as requested;” and, “[JOHN DOE] will be given free use of an emergency passport to the
17 nurse’s office for when he needs to leave class abruptly.”

18 16. JOHN DOE’s ninth grade English teacher is hereinafter referred to as “Teacher.”
19 Teacher had a previous history or reputation at the CLARK COUNTY SCHOOL DISTRICT for
20 exhibiting inappropriate flirtatious or grooming behavior with minor male students. The Clark
21 County School District knew about Teacher’s inappropriate flirtatious or grooming behavior but
22 acted with deliberate indifference toward her conduct when it hired her as a full-time English
23 teacher.

24 17. The CLARK COUNTY SCHOOL DISTRICT acted with deliberate indifference
25 toward Teacher’s inappropriate behavior when it failed to train and supervise her.

26 18. On May 8, 2013, Teacher lured JOHN DOE into sexual conduct (“May 8, 2013
27 Incident”) and she later pleaded guilty on March 18, 2014, to a felony of “luring children or
28 mentally ill persons with the intent to engage in sexual conduct.” This was the culmination of an

1 ongoing relationship between Teacher and JOHN DOE. (The “May 8, 2013 Incident” includes the
2 improper relationship that existed between Teacher and JOHN DOE beginning in his freshman
3 year through May 8, 2013.)

4 19. Teacher’s inappropriate flirtatious and grooming behavior, and conduct with JOHN
5 DOE leading up to the May 8, 2013 Incident, was conduct known to fellow FOOTHILL HIGH
6 SCHOOL and CLARK COUNTY SCHOOL DISTRICT administration.

7 20. Leading up to the May 8, 2013 Incident, JOHN DOE continually missed his sixth
8 period class to spend time with Teacher on the FOOTHILL HIGH SCHOOL premises, during
9 which time Teacher was acting in the course and scope of her employment. JOHN DOE’s
10 absence from the sixth period class was detailed and logged by the FOOTHILL HIGH SCHOOL
11 administration and the CLARK COUNTY SCHOOL DISTRICT and they exhibited a deliberate
12 indifference towards these absences.

13 21. On May 9, 2013, the CLARK COUNTY SCHOOL DISTRICT POLICE was
14 notified about JOHN DOE’s incident with Teacher.

15 22. The CLARK COUNTY SCHOOL DISTRICT POLICE retrieved JOHN DOE from
16 class at the FOOTHILL HIGH SCHOOL, parading him in front of a class of students and taking
17 him to the FOOTHILL HIGH SCHOOL office. The CLARK COUNTY SCHOOL DISTRICT
18 POLICE questioned JOHN DOE for one and a half hours and threatened that if he did not give
19 them all of the details about his relationship with Teacher, the CLARK COUNTY SCHOOL
20 DISTRICT POLICE would pull out other students from class and question them about the
21 relationship. The CLARK COUNTY SCHOOL DISTRICT questioned JOHN DOE in a harassing
22 manner as though he was a criminal and not the victim. The office where the CLARK COUNTY
23 SCHOOL DISTRICT POLICE interrogated JOHN DOE had windows subjecting JOHN DOE to
24 students peering in the office to see JOHN DOE being interrogated by the police. Other students
25 saw JOHN DOE being escorted to the office. As a result of the outrageous and public manner in
26 which the CLARK COUNTY SCHOOL DISTRICT POLICE handled the situation, the
27 FOOTHILL HIGH SCHOOL students put two and two together and found out that JOHN DOE
28 was the student who had a relationship with Teacher, as her picture was plastered all over the news

1 on May 9, 2013, and on social media. The CLARK COUNTY SCHOOL DISTRICT POLICE
2 directly and with deliberate indifference subjected JOHN DOE's private affairs to the public,
3 causing him great humiliation, embarrassment, teasing, bullying, cyberbullying and emotional
4 distress.

5 23. The CLARK COUNTY SCHOOL DISTRICT and FOOTHILL HIGH SCHOOL
6 and the FOOTHILL HIGH SCHOOL principal, JEANNE DONADIO, failed with deliberate
7 indifference to implement JOHN DOE's 504 accommodation plan, even after the May 8, 2013
8 Incident incident, fostering the continuation of the effects of the Teacher's sexual abuse of JOHN
9 DOE, causing him great emotional distress, anxiety and damages. After the May 8, 2013 Incident,
10 JOHN DOE's teachers were openly and humiliatingly hostile toward him, and refused to
11 accommodate his disability from anxiety, panic and depression and to implement the 504 plan.

12 24. This situation continued into the summer of JOHN DOE's ninth grade year.

13 25. During JOHN DOE's tenth grade year at FOOTHILL HIGH SCHOOL as a
14 sophomore, the FOOTHILL HIGH SCHOOL/CLARK COUNTY SCHOOL DISTRICT and
15 JEANNE DONADIO, principal, continued their deliberate indifference toward the implementation
16 of the 504 plan, and the accommodation of JOHN DOE's disability according to the 504 plan,
17 causing him great emotional distress, anxiety and damages.

18 26. In January of 2014, JOHN DOE's tenth grade English teacher, ERIN WING,
19 employee of the CLARK COUNTY SCHOOL DISTRICT and FOOTHILL HIGH SCHOOL,
20 consciously and recklessly engaged in despicable conduct against him, during the course and
21 scope of her employment, causing him great emotional distress, anxiety and damages. ERIN
22 WING was a participant of the 504 plan, was friends with Teacher, knew about JOHN DOE's
23 tender and vulnerable condition and anxiety, and knew about his relationship with Teacher. In
24 January of 2014, ERIN WING inappropriately discussed with JOHN DOE that she was previously
25 raped and understood his anxiety, and that JOHN DOE put her best friend, Teacher, out of a job,
26 causing him severe emotional distress. ERIN WING told JOHN DOE to keep quiet about their
27 conversation, that it was just between them, and that the conversation was private. ERIN WING's
28 conduct was outrageous and she exhibited a deliberate indifference towards JOHN DOE's 504

1 plan, his disability, and his vulnerable and tender state after the May 8, 2013 Incident. ERIN
2 WING cruelly stated to JOHN DOE's entire English class that he hides behind his emotions with
3 humor, further humiliating him and causing great anxiety and emotional distress.

4 JEANNE DONADIO wrongfully defended ERIN WING's outrageous comments to JOHN
5 DOE, claiming that his "unstable mindset" caused him to misunderstand her. JEANNE
6 DONADIO's actions showed a deliberate indifference to JOHN DOE's 504 plan and disability
7 and his tender and vulnerable condition.

8 The CLARK COUNTY SCHOOL DISTRICT, FOOTHILL HIGH SCHOOL, CLARK
9 COUNTY SCHOOL DISTRICT POLICE, ERIN WING, and JEANNE DONADIO discriminated
10 against JOHN DOE's constitutional and federally protected rights. The Defendants' actions
11 rendered any appeal regarding JOHN DOE's 504 plan futile.

12 27. As a direct and proximate result of the individual and/or cumulative acts of the
13 CLARK COUNTY SCHOOL DISTRICT/FOOTHILL HIGH SCHOOL, the CLARK COUNTY
14 SCHOOL DISTRICT POLICE, ERIN WING, and JEANNE DONADIO, JOHN DOE attempted
15 suicide in February, 2014, and suffered extreme emotional distress. As a further direct and
16 proximate result of the Defendants' cumulative and/or individual acts, JOHN DOE was unable to
17 continue his education at FOOTHILL HIGH SCHOOL necessitating that he finish tenth grade in
18 after-hours instruction at the location of Coronado High School in Henderson, Nevada. As a
19 further direct and proximate cause of Defendants' cumulative, and/or individual acts, JOHN DOE
20 now attends private boarding school in Arizona, at great expense and emotional distress and
21 anxiety to PARENT DOE. As a further direct and proximate cause of the Defendants' cumulative
22 and/or individual acts, JOHN DOE and PARENT DOE suffered medical expenses, past, present
23 and future.

24 VIOLATION OF 28 USC §1983

25 28. Paragraphs 1 through 27 are incorporated herein.

26 29. JOHN DOE had a constitutional right to be free from grievous physical, emotional
27 and psychological injury. ERIN WING and JEANNE DONADIO acted in their personal capacity.
28 They violated 28 USC §1983 and personally and intentionally deprived JOHN DOE of his rights

1 under color of state law in handling his disability and educational needs after the May 8, 2013
2 Incident and by participating in and/or fostering a continuation of the effects of the abuse suffered
3 by JOHN DOE. They psychologically abused JOHN DOE.

4 30. ERIN WING and JEANNE DONADIO also acted in their official capacity when
5 they intentionally and deliberately ignored or showed deliberate indifference to JOHN DOE's
6 disability, his educational and constitutional rights, and the continuing effects of Teacher's sexual
7 abuse. They were aware of the risk to JOHN DOE by ignoring his 504 plan and psychological and
8 educational needs after the May 8, 2013 Incident. This was a pattern of abuse. It was their policy,
9 custom and habit to fail to implement 504 plans, and in this case they failed with deliberate
10 indifference to accommodate JOHN DOE's educational needs. They discriminated against him.
11 Their response to the needs of JOHN DOE was clearly inadequate or clearly an inadequate
12 responsive action. JEANNE DONADIO was a person with policy-making authority who ratified
13 the FOOTHILL HIGH SCHOOL teacher participants' intentional failure to abide by the law to
14 properly implement JOHN DOE's 504 plan and to accommodate his educational and
15 psychological needs. Her inaction exhibited deliberate indifference. The CLARK COUNTY
16 SCHOOL DISTRICT exhibited a deliberate indifference to JEANNE DONADIO'S/FOOTHILL
17 HIGH SCHOOL's deprivation of JOHN DOE's federal rights under his 504 plan and his
18 constitutional right to be free from grievous physical, emotional and psychological injury. The
19 CLARK COUNTY SCHOOL DISTRICT's policy, custom or practice was to ignore the
20 appropriate implementation of 504 plans to ensure that further and continuing psychological abuse
21 was not levied on victims such as JOHN DOE. The CLARK COUNTY SCHOOL DISTRICT
22 was on notice that its omission to effectively administer JOHN DOE's 504 plan would likely
23 result in a deprivation of his right to public education and violate his person.

24 31. The CLARK COUNTY SCHOOL DISTRICT had knowledge of the propensities
25 of Teacher and through its policies and/or deliberate indifference towards her behavior took no, or
26 clearly inadequate, responsive action, directly leading to and causing a deprivation of JOHN
27 DOE's constitutional and/or federally protected rights. The CLARK COUNTY SCHOOL
28 DISTRICT, by and through its own policies and actions of JEANNE DONADIO, failed to

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adequately guard against sexual molestation by teachers through training and supervision to such an extent that it rose to a level of deliberate indifference to the constitutional rights of citizens who come in contact with these teachers, especially given the rash of teacher sexual molestation of minors in the CLARK COUNTY SCHOOL DISTRICT. THE CLARK COUNTY SCHOOL DISTRICT exhibited a deliberate indifference its systemic problem relating to the screening, hiring and supervision of perverse teachers in its haste to fill open teaching positions.

32. The CLARK COUNTY SCHOOL DISTRICT POLICE/CLARK COUNTY SCHOOL DISTRICT violated 42 USC §1983 when they submitted JOHN DOE to psychological abuse through a pattern and policy of not protecting victims of sexual abuse such as JOHN DOE from public humiliation, embarrassment and emotional distress. It was their policy, custom and/or practice to remove students from class and interrogate them in insecure rooms with deliberate indifference to the victim's privacy rights, disability, and vulnerability, thereby violating the victim's right of public education free from psychological abuse. The CLARK COUNTY SCHOOL DISTRICT POLICE and the CLARK COUNTY SCHOOL DISTRICT participated in the continuing psychological abuse of JOHN DOE after the May 8, 2013 Incident, thereby violating his constitutional rights.

33. The CLARK COUNTY SCHOOL DISTRICT has suffered a rash of incidents of teacher molestation of minor students. The failure of the CLARK COUNTY SCHOOL DISTRICT to take action to prevent sexual molestation of minor students in its care, by its own employees, shows a deliberate indifference to the unfortunate and very real risk that such execrable assaults would occur, especially when Teacher exhibited flirtatious and grooming behavior prior to being hired as a full-time English teacher at FOOTHILL HIGH SCHOOL.

VIOLATION OF TITLE IX, 20 USC §1681(a)

34. Paragraphs 1 through 33 are incorporated herein.

35. The CLARK COUNTY SCHOOL DISTRICT and the CLARK COUNTY SCHOOL DISTRICT POLICE furthered the Teacher's sexual harassment and discrimination against JOHN DOE as stated above subjecting him to exclusion from, or effectively participating in, an educational program (public education) or activity receiving federal financial assistance, in

1 violation of Title IX of the Education Act of 1972, 20 USC §1681(a). The CLARK COUNTY
 2 SCHOOL DISTRICT, by and through JEANNE DONADIO, failed to institute corrective
 3 measures on JOHN DOE's behalf to stop the severe emotional distress caused by FOOTHILL
 4 HIGH SCHOOL's teachers and failed to implement the 504 plan. JEANNE DONADIO had
 5 actual knowledge of the harassment and discrimination, and she had a deliberate indifference to
 6 the continuation of the harassment and discrimination.

7 VIOLATION OF THE AMERICANS WITH DISABILITY ACT

8 36. Paragraphs 1 through 35 are incorporated herein.

9 37. JOHN DOE has a disability involving anxiety and is a qualified individual for
 10 reasonable accommodation by the CLARK COUNTY SCHOOL DISTRICT.

11 38. The CLARK COUNTY SCHOOL DISTRICT and JEANNE DONADIO exhibited
 12 a deliberate indifference to effective implementation of JOHN DOE's 504 plan and intentionally
 13 and with deliberate indifference allowed the sexual discrimination and psychological abuse of
 14 JOHN DOE to continue by failing to implement JOHN DOE's 504 plan. They excluded JOHN
 15 DOE from receiving benefits from the CLARK COUNTY SCHOOL DISTRICT services and
 16 programs.

17 39. The CLARK COUNTY SCHOOL DISTRICT showed deliberate indifference
 18 when it failed to follow its own 504 policies and procedures that required an effective and
 19 thorough "team meeting" at least annually to accommodate JOHN DOE and to make sure the 504
 20 plan is being followed.

21 NEGLIGENCE

22 40. Paragraphs 1 through 39 are incorporated herein.

23 41. The CLARK COUNTY SCHOOL DISTRICT negligently hired, trained, retained
 24 and supervised Teacher, given her past flirtatious and grooming history with minors and given the
 25 rash of sexual molestation of minor students by CLARK COUNTY SCHOOL DISTRICT
 26 teachers. The CLARK COUNTY SCHOOL DISTRICT negligently failed to monitor Teacher
 27 after JOHN DOE repeatedly missed sixth period classes to spend time with Teacher on the
 28 FOOTHILL HIGH SCHOOL premises. The CLARK COUNTY SCHOOL DISTRICT

negligently failed to comply with its own 504 policies and procedures.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

42. Paragraphs 1 through 41 are incorporated by reference herein.

43. ERIN WING's and JEANNE DONADIO's actions, comments and discussions with JOHN DOE and the CLARK COUNTY SCHOOL DISTRICT POLICE's actions were extreme and outrageous and committed with either the intention of violating, or reckless disregard for, the rights and safety of JOHN DOE causing him extreme emotional distress.

PUBLIC DISCLOSURE OF PRIVATE FACTS, INVASION OF PRIVACY AND BULLYING

44. Paragraphs 1 through 43 are incorporated by reference herein.

45. The CLARK COUNTY SCHOOL DISTRICT POLICE publicly disclosed private facts and invaded the privacy of JOHN DOE, when they had him yanked from class and paraded him through the FOOTHILL HIGH SCHOOL halls to an insecure office where students could peek in to see his interrogation, causing the other students to put two and two together and allowing them to determine that JOHN DOE was involved in a relationship with Teacher. The CLARK COUNTY SCHOOL DISTRICT POLICE acted with a conscious and reckless disregard for the privacy of JOHN DOE, publicizing the May 8, 2013 Incident to the entire FOOTHILL HIGH SCHOOL student body, staff and social media. The CLARK COUNTY SCHOOL DISTRICT POLICE unreasonably and unnecessarily placed private affairs of JOHN DOE before the public. JOHN DOE had a right to seclusion during his interrogation by the CLARK COUNTY SCHOOL DISTRICT POLICE. The CLARK COUNTY SCHOOL DISTRICT POLICE subjected JOHN DOE to public scrutiny in the interrogation room at FOOTHILL HIGH SCHOOL. ERIN WING's and JEANNE DONADIO's outrageous conversations with JOHN DOE violated Nevada's anti-bullying statute, N.R.S. 388.122, *et seq.* The acts of the CLARK COUNTY SCHOOL DISTRICT POLICE caused JOHN DOE to suffer violations of student bullying in violation of Nevada law.

VIOLATION OF VULNERABLE PERSONS STATUTE

46. Paragraphs 1 through 45 are incorporated by reference herein.

1 47. JOHN DOE is a vulnerable person as defined in N.R.S. 41.1395. Defendants
2 intentionally and/or recklessly caused extreme emotional distress to JOHN DOE who is entitled to
3 attorney's fees, costs and double damages.

4 NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

5 48. Paragraphs 1 through 47 are incorporated by reference herein.

6 49. Defendants negligently injured JOHN DOE. PARENT DOE is the father of JOHN
7 DOE and was located at the scene of JOHN DOE's attempted suicide.

8 50. PARENT DOE suffered shock and extreme mental and physical pain and suffering
9 and emotional distress from the sensory and contemporaneous observance of JOHN DOE's
10 attempted suicide. PARENT DOE also suffered medical costs, past, present and future as a direct
11 and proximate result of the Defendants' negligent infliction of emotional distress

12 DAMAGES

13 51. Paragraphs 1 through 50 are incorporated by reference herein.

14 52. As a direct and proximate result of Defendants' conduct, individually, officially,
15 and/or cumulatively, JOHN DOE suffered extreme emotional distress, physical and mental pain
16 and suffering and medical expenses, past, present and future, and PARENT DOE suffered
17 economic loss for the payment of JOHN DOE's medical expenses and tuition expenses, and for
18 his own medical costs, past, present and future. As a further direct and proximate result of
19 Defendants' conduct, Plaintiffs incurred attorneys' fees.

20 53. JOHN DOE is also entitled to attorneys' fees pursuant to 42 USC §1988 and for all
21 of his state and federal claims.

22 PUNITIVE DAMAGES AGAINST INDIVIDUAL DEFENDANTS ONLY

23 54. Paragraphs 1 through 53 are incorporated by reference herein.

24 55. ERIN WING and JEANNE DONADIO engaged in despicable conduct with a
25 conscious and reckless disregard for the rights and safety of JOHN DOE. They knew of the
26 probable harmful consequences of their wrongful acts and exhibited a willful and deliberate failure
27 to act to avoid those consequences.

28 WHEREFORE, Plaintiffs pray for relief against Defendants as follows:

1. General damages in excess of \$10,000;
2. Special damages in excess of \$10,000;
3. Punitive damages against individual Defendants in excess of \$10,000;
4. Reasonable and/or double attorneys' fees and costs; and,
5. Such other and further relief as this Court deems necessary, just, and proper.


JURY DEMAND

Plaintiffs demand a trial by jury of all claims asserted in this Complaint.

DATED this 28 day of April, 2015.

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By


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